

BioMarin Pharmaceutical, Inc.
Luisa Bigornia, Ph.D., Esq.
415-884-6709

**BIOMARIN
PHARMACEUTICAL,
INC.**
371 Bel Marin Keys
Blvd. Suite 210
Novato, CA 94949

Fax

To: Maria Mabijs

From: Luisa Bigornia, Ph.D., Esq.

Fax: 202-942-8484

Pages: 59 (INCL. COVER SHEET)

Phone: 202-942-8452

Date: 1/15/2004

Re:

CC:

☒ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:** Please see attached documents

Statement of Fact and Exhibits - U.S. Patent Application No. 08/722,659

Confidential

Rita Charles
Intellectual Property Paralegal
BioMarin Pharmaceutical Inc
371 Bel Marin Keys Blvd., Suite 210
Novato, Calif. 94949

Statement of Fact – U.S. Patent Application No. 08/722,659

- 1) I have been employed as an Intellectual Property Paralegal at BioMarin Pharmaceutical Inc since June 12, 2003.
 - (Exhibit A)
- 2) We received a fax from Maria Maebius on August 4, 2003 requesting that we send the 1.132 Declarations to the named inventors on the Patent Application: Brigitte Grouix, Ariane Hsia. and Dominique Fink
 - (Exhibit B)

E-mail was received regarding the same request directed to Luisa Bigornia on August 6, 2003.

- (Exhibit C)
- 3) On August 29, 2003, I sent the 1.132 Declarations to be signed directly to each of these inventors, with a cover letter from Dr. Luisa Bigornia. The letters were addressed as follows:

GROUX, Brigitte
C/o Biochem Pharma
Cancer Biology Dept.
275 Armand Frappier
Laval, QC H7V 4A7

HSIA, Ariane
C/o RIV LTD.
22 Wesllesley St. East
Toronto, Ontario M4Y 1Y3

FINK, Dominique

4632 rue Chambord
Montreal, Quebec
H2J 3M7

- (Exhibit D)

- 4) Mail was returned as undeliverable on the following dates. The returned mail envelopes and contents are provided.

- (Exhibit E)

GROUX, Brigitte 9/08/03
C/o Biochem Pharma
Cancer Biology Dept.
275 Armand Frappier
Laval, QC H7V 4A7

HSIA, Ariane 9/23/03
c/o RIV LTD.
22 Wesllesley St. East
Toronto, Ontario M4Y 1Y3

FINK, Dominique 11/04/03
4632 rue Chambord
Montreal, Quebec
H2J 3M7

- 5) I contacted Claire Bergeron, Administrator at IBEX Pharmaceuticals in Montreal on August 6, 2003, after verifying that these inventors were all former IBEX employees and never worked for BioMarin Pharmaceutical Inc. We exchanged e-mails back and forth until August 7, 2003, when she sent me Dominique Fink's most current address.

- (Exhibit F)

Mail was sent to last known address of each inventor and this is the information provided in the November 6th letter addressed to Maria Maebius, Esq. at Hale & Dorr LLP

- (Exhibit G)

Rita Charles

Rita Charles
Intellectual Property Paralegal
BioMarin Pharmaceutical Inc

January 15, 2004

EXHIBIT A

BIOMARIN™
P H A R M A C E U T I C A L I N C

Rita Charles

Intellectual Property Paralegal
Biotechnology Specialist

11 Pimentel Court • Novato, CA 94949
415.884.6721 • Fax 415.382.3511
email rcharles@bmrn.com

EXHIBIT B

HALE AND DORR LLP
C O U N S E L O R S A T L A W

haledorr.com

THE WILLARD OFFICE BUILDING
1455 PENNSYLVANIA AVENUE, N.W. • WASHINGTON, D.C. 20004-1008
202-942-8400 • FAX 202-942-8484

FAX

Total Number of Pages: 11

Fax / Phone:

To: Luisa Bigornia
BioMarin Pharmaceuticals Inc.

(415) 382-3511 / (415) 884-6709

From: Maria L. Maebius
202-942-8452

Date: August 4, 2003

Note:

Please find attached declarations for execution

RECEIVED
12:50 pm RVC
AUG 4 - 2003

This facsimile transmission is confidential and may be privileged. If you are not the intended recipient, please immediately call the sender or, if the sender is not available, call 202-942-8333, and destroy all copies of this transmission. If the transmission is incomplete or illegible, please call the sender or, if the sender is not available, call 202-942-8333. Thank you.

Client Matter Number: 104385.140
Return To: Jacquelyn Price

Transmitted by:

BOSTON LONDON MUNICH NEW YORK OXFORD PRINCETON RESTON WALTHAM WASHINGTON
Hale and Dorr LLP is a Massachusetts Limited Liability Partnership

HALE AND DORR LLP
C O U N S E L O R S A T L A W

haledorr.com

THE WILLARD OFFICE BUILDING
1455 PENNSYLVANIA AVENUE, N.W. • WASHINGTON, D.C. 20004-1008
202-942-8400 • FAX 202-942-8484

MARIA L. MAEBIUS

202-942-8452
maria.maebius@haledorr.com

August 4, 2003

VIA FACSIMILE

Dr. Luisa Bigornia
BioMarin Pharmaceuticals Inc.
371 Bel Marin Keys Boulevard, Suite 210
Novato, CA 94949

Re: U.S. Patent Application No. 08/722,659
Title: Use of Heparinase to Decrease Inflammatory Response
Inventors: Bennett et al.; Filed: September 27, 1996
Our Reference No.: 104385.140

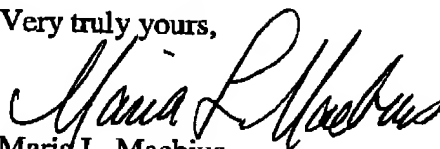
Dear Luisa:

Further to our letter of March 20, 2003, we have received a Board of Patent Appeals and Interferences Docketing Notice from the U.S. Patent and Trademark Office. The above referenced application has been assigned Appeal No. 2003-1678.

In addition, attached are the four Declarations under 37 CFR 1.132 for the execution by Dominique Fink, Elizabeth Cauchon, Brigitte Grouix, and Ariane Hsia for your review. Please let me know if you need assistance locating these inventors.

If you have any questions, please do not hesitate to contact us.

Very truly yours,


Maria L. Maebius

MLM:dal
Enclosure
cc: Hollie Baker



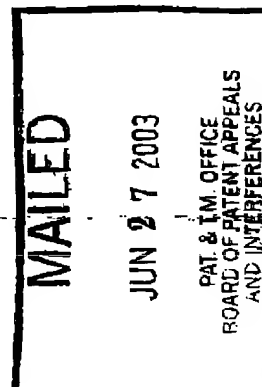
UNITED STATES PATENT AND TRADEMARK OFFICE

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
WASHINGTON, DC 20231

www.uspto.gov

HOLLIE L. BAKER
HALE & DORR LLP
60 STATE STREET
BOSTON, MA 02109

Paper No: 49
Appeal No: 2003-1678
Appellant: BENNETT, D. CLARK
Application: 08/722,659



**Board of Patent Appeals and Interferences
Docketing Notice**

Application 08/722,659 was received from the Technology Center at the Board on June 11, 2003 and has been assigned Appeal No: 2003-1678.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on: November 4, 2002
Reply Brief filed on: March 13, 2003
Request for Hearing filed on: None

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

**BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450**

The facsimile number of the Board is 703-308-7952. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 703-308-9797 and should be directed to a Program and Resource Administrator.

By order of the Board of Patent Appeals and Interferences

HALE & DORR DOCKETING
RE: 104385-140 US2
Action Date: 7-13-03
Action to be Taken: D/D
Docketed By: DMB On: 7-8-03

Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
BENNETT <i>et al.</i>	)	Group Art Unit: 1644
)	
Serial No.: 08/722,659	)	Examiner: A. DeCloux
)	
Filed: September 27, 1996)	
)	
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE)	

Commissioner for Patents
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132
OF ARIANE HSIA**

I, Ariane Hsia, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Dominique Fink, Brigitte Grouix, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.

2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.

3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.

4. The undersigned declares further that all statements made herein of my own

knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at _____

this __ day of _____, 2003.

Ariane Hsia

Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
BENNETT <i>et al.</i>	)	Group Art Unit: 1644
)	
Serial No.: 08/722,659	)	Examiner: A. DeCloux
)	
Filed: September 27, 1996)	
)	
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE)	

Commissioner for Patents
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132
OF ELIZABETH CAUCHON**

I, Elizabeth Cauchon, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Dominique Fink, Brigitte Grouix, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at _____

Elizabeth Cauchon

this __ day of _____, 2003.

Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
BENNETT <i>et al.</i>	)	Group Art Unit: 1644
)	
Serial No.: 08/722,659	)	Examiner: A. DeCloux
)	
Filed: September 27, 1996)	
)	
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE)	

Commissioner for Patents
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132
OF DOMINIQUE FINK**

I, Dominique Fink, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Brigitte Grouix, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at _____

Dominique Fink

this __ day of _____, 2003.

Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
BENNETT *et al.*) Group Art Unit: 1644
Serial No.: 08/722,659) Examiner: A. DeCloux
Filed: September 27, 1996)
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE)

Commissioner for Patents
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132
OF BRIGETTE GROUX**

I, Brigitte Grouix, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Dominique Fink, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at _____

this __ day of _____, 2003.

Brigette Grouix

EXHIBIT C

Rita Charles

From: Luisa Bigornia
Sent: Wednesday, August 06, 2003 11:15 AM
To: 'maria.maebius@haledorr.com'
Cc: Rita Charles
Subject: 1/132 Declarations

Hi Maria,
Thank you for your correspondence. Please do send me any contact information, including telephone number, you have for Dominique Fink, Elizabeth Cauchon, Brigitte Grouix, and Ariane Hsia.
Thanks,
Luisa

Luisa Bigornia, Ph.D., Esq.
Patent Attorney
BioMarin Pharmaceutical, Inc.
371 Bel Marin Keys Boulevard
Novato, CA 94949
Direct Dial: 415-884-6709
Facsimile: 415-382-3511
E-mail: lbigornia@biomarinpharm.com

Luisa Bigornia

From: Maebius, Maria [Maria.Maebius@haledorr.com]
Sent: Wednesday, August 06, 2003 11:56 AM
To: Luisa Bigornia
Subject: RE: 1/132 Declarations

Luisa,

I do not currently have any information on the whereabouts of these inventors. I believe that Robert Heft or Joseph Zimmermann would know more about their current whereabouts. However, we have frequently used a private investigator to help us locate people. Do you want us to have them track the inventors down?

Maria

-----Original Message-----

From: Luisa Bigornia [mailto:lbigornia@bmrn.com]
Sent: Wednesday, August 06, 2003 2:15 PM
To: Maebius, Maria
Cc: Rita Charles
Subject: 1/132 Declarations

Hi Maria,

Thank you for your correspondence. Please do send me any contact information, including telephone number, you have for Dominique Fink, Elizabeth Cauchon, Brigitte Grouix, and Ariane Hsia.

Thanks,

Luisa

Luisa Bigornia, Ph.D., Esq.
Patent Attorney
BioMarin Pharmaceutical, Inc.
371 Bel Marin Keys Boulevard
Novato, CA 94949
Direct Dial: 415-884-6709
Facsimile: 415-382-3511
E-mail: lbigornia@biomarinpharm.com

EXHIBIT D

BIOMARIN™

PHARMACEUTICAL INC

August 29, 2003

Brigitte Groulx
c/o Biochem Pharma
Cancer Biology Dept.
275 Armand Frappier
Laval, QC H7V 4A7
Tel: 450-978-7903

Re: U.S. Patent Application No. 08/722,659
Title: Use of Heparinase to Decrease Inflammatory
Response
Inventors: Bennett *et al.*
Filed: September 27, 1996
Our reference No.: 104385.140

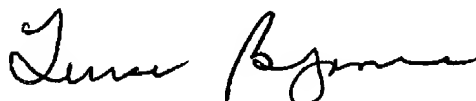
Dear Brigitte,

In furtherance of our prosecution of the above named patent, please sign the enclosed Declaration in blue ink and return it to me as soon as possible.

A return envelope is provided for your convenience.

If you have any questions regarding your Declaration or the present proceedings in the U.S. Patent and Trademark Office, please feel free to contact me directly at 415-884-6709 or lbigornia@bmrn.com.

Sincerely,



Luisa Bigornia Ph.D., Esq.

Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
BENNETT <i>et al.</i>	)	Group Art Unit: 1644
)	
Serial No.: 08/722,659	)	Examiner: A. DeCloux
)	
Filed: September 27, 1996)	
)	
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE)	

Commissioner for Patents
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.132
OF DOMINIQUE FINK

I, Dominique Fink, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Brigitte Grouix, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at _____

this __ day of _____, 2003.

Dominique Fink

Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
BENNETT <i>et al.</i>	)	Group Art Unit: 1644
)	
Serial No.: 08/722,659	)	Examiner: A. DeCloux
)	
Filed: September 27, 1996)	
)	
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE)	

Commissioner for Patents
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132
OF BRIGETTE GROUX**

I, Brigitte Groux, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Dominique Fink, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
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Signed at _____

this __ day of _____, 2003.

Brigette Grouix

BIOMARIN
PHARMACEUTICAL INC

August 29, 2003

Ariane Hsia
c/o RIV LTD.
22 Wesllesley St. East
Toronto, Ontario
M4Y 1Y3

Re: U.S. Patent Application No. 08/722,659
Title: Use of Heparinase to Decrease Inflammatory
Response
Inventors: Bennett *et al.*
Filed: September 27, 1996
Our reference No.: 104385.140

Dear Ariane,

In furtherance of our prosecution of the above named patent, please sign the enclosed Declaration in blue ink and return it to me as soon as possible.

A return envelope is provided for your convenience.

If you have any questions regarding your Declaration or the present proceedings in the U.S. Patent and Trademark Office, please feel free to contact me directly at 415-884-6709 or lbigornia@bmrn.com.

Sincerely,



Luisa Bigornia Ph.D., Esq.

LSB/rvc

Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
BENNETT *et al.*) Group Art Unit: 1644
Serial No.: 08/722,659) Examiner: A. DeCloux
Filed: September 27, 1996)
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE)

Commissioner for Patents
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.132
OF ARIANE HSIA

I, Ariane Hsia, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Dominique Fink, Brigitte Grouix, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.

2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.

3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.

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knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at _____

this __ day of _____, 2003.

Ariane Hsia

BIOMARIN[®]
P H A R M A C E U T I C A L I N C

August 29, 2003

Ms. Dominique Fink
4632 rue Chambord
Montreal, Quebec
H2J 3M7

Re: U.S. Patent Application No. 08/722,659
Title: Use of Heparinase to Decrease Inflammatory
Response
Inventors: Bennett *et al.*
Filed: September 27, 1996
Our reference No.: 104385.140

Dear Ms. Fink,

In furtherance of our prosecution of the above named patent, please sign the enclosed Declaration in blue ink and return it to me as soon as possible.

A return envelope is provided for your convenience.

If you have any questions regarding your Declaration or the present proceedings in the U.S. Patent and Trademark Office, please feel free to contact me directly at 415-884-6709 or lbigornia@bmrn.com.

Sincerely,



Luisa Bigornia Ph.D., Esq.

LSB/rvc

Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
BENNETT <i>et al.</i>	)	Group Art Unit: 1644
)	
Serial No.: 08/722,659	)	Examiner: A. DeCloux
)	
Filed: September 27, 1996)	
)	
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE)	

Commissioner for Patents
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132
OF DOMINIQUE FINK**

I, Dominique Fink, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Brigitte Grouix, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.

2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.

3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.

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knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at _____

Dominique Fink

this __ day of _____, 2003.

EXHIBIT E

BIOMARIN[®]

PHARMACEUTICAL INC

August 29, 2003

Brigitte Groulx
c/o Biochem Pharma
Cancer Biology Dept.
275 Armand Frappier
Laval, QC H7V 4A7
Tel: 450-978-7903

*Left Shire Biochem
May 2001*

Re: U.S. Patent Application No. 08/722,659
Title: Use of Heparinase to Decrease Inflammatory
Response
Inventors: Bennett *et al.*
Filed: September 27, 1996
Our reference No.: 104385.140

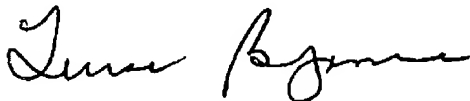
Dear Brigitte,

In furtherance of our prosecution of the above named patent, please sign the enclosed Declaration in blue ink and return it to me as soon as possible.

A return envelope is provided for your convenience.

If you have any questions regarding your Declaration or the present proceedings in the U.S. Patent and Trademark Office, please feel free to contact me directly at 415-884-6709 or lbigornia@bmrn.com.

Sincerely,



Luisa Bigornia Ph.D., Esq.

Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
BENNETT *et al.*) Group Art Unit: 1644
Serial No.: 08/722,659) Examiner: A. DeCloux
Filed: September 27, 1996)
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE)

Commissioner for Patents
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132
OF BRIGETTE GROUX**

I, Brigitte Grouix, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Dominique Fink, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.

2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.

3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.

4. The undersigned declares further that all statements made herein of my own

knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at _____

this __ day of _____, 2003.

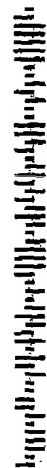
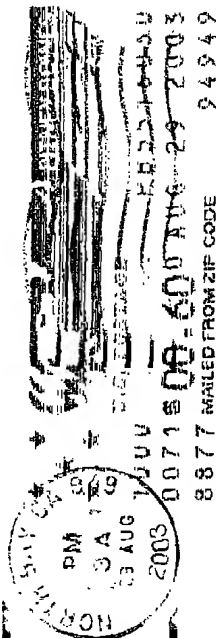
Brigette Grouix

Luisa Bigornia

BIOMARIN
PHARMACEUTICAL INC

371 Bel Marin Keys Boulevard
Suite 210 - Novato, CA 94949

Ariane Hsia
c/o RIV/LTD.
22 West
Toronto,



MOVED / UNKNOWN // DEMENAGE / INCONNU
RETURN TO SENDER
RENOI A L'EXPEDITEUR
CA 94949
USA

00101/2



BIOMARIN™

PHARMACEUTICAL INC

August 29, 2003

Ariane Hsia
c/o RIV LTD.
22 Wesllesley St. East
Toronto, Ontario
M4Y 1Y3

Re: U.S. Patent Application No. 08/722,659
Title: Use of Heparinase to Decrease Inflammatory
Response
Inventors: Bennett *et al.*
Filed: September 27, 1996
Our reference No.: 104385.140

Dear Ariane,

In furtherance of our prosecution of the above named patent, please sign the enclosed Declaration in blue ink and return it to me as soon as possible.

A return envelope is provided for your convenience.

If you have any questions regarding your Declaration or the present proceedings in the U.S. Patent and Trademark Office, please feel free to contact me directly at 415-884-6709 or lbigornia@bmrn.com.

Sincerely,



Luisa Bigornia Ph.D., Esq.

LSB/rvc

Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
BENNETT *et al.*) Group Art Unit: 1644
Serial No.: 08/722,659) Examiner: A. DeCloux
Filed: September 27, 1996)
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE)

Commissioner for Patents
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.132
OF ARIANE HSIA

I, Ariane Hsia, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Dominique Fink, Brigitte Grouix, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at _____

this __ day of _____, 2003.

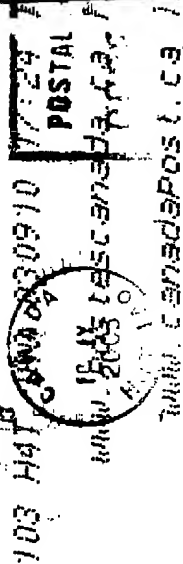
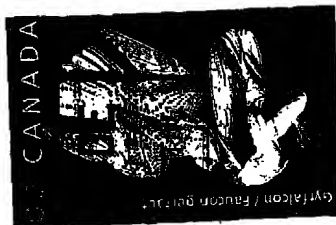
Ariane Hsia

BIOMARIN
 PHARMACEUTICAL INC

371 Bel Marin Keys Boulevard
 Suite 210 • Novato, CA 94949

Air Mail Par avion

Rita Charles
 BioMarin Pharmaceutical, Inc.
 Intellectual Property
 Biotechnology Specialist
 11 Pimentel Court
 Novato, Calif 94949



3434385651 0037

BIOMARIN™
P H A R M A C E U T I C A L I N C

August 29, 2003

Ms. Dominique Fink
4632 rue Chambord
Montreal, Quebec
H2J 3M7

Re: U.S. Patent Application No. 08/722,659
Title: Use of Heparinase to Decrease Inflammatory
Response
Inventors: Bennett *et al.*
Filed: September 27, 1996
Our reference No.: 104385.140

Dear Ms. Fink,

In furtherance of our prosecution of the above named patent, please sign the enclosed Declaration in blue ink and return it to me as soon as possible.

A return envelope is provided for your convenience.

If you have any questions regarding your Declaration or the present proceedings in the U.S. Patent and Trademark Office, please feel free to contact me directly at 415-884-6709 or lbigornia@bmrn.com.

Sincerely,



Luisa Bigornia Ph.D., Esq.

LSB/rvc

Attorney Docket No. 104385.140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
BENNETT <i>et al.</i>	)	Group Art Unit: 1644
)	
Serial No.: 08/722,659	)	Examiner: A. DeCloux
)	
Filed: September 27, 1996)	
)	
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE)	

Commissioner for Patents
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.132
OF DOMINIQUE FINK

I, Dominique Fink, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Brigitte Grouix, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at _____

this __ day of _____, 2003.

Dominique Fink

BIOMARIN[®]
P H A R M A C E U T I C A L I N C

August 29, 2003

Ms. Dominique Fink
4632 rue Chambord
Montreal, Quebec
H2J 3M7

Re: U.S. Patent Application No. 08/722,659
Title: Use of Heparinase to Decrease Inflammatory
Response
Inventors: Bennett *et al.*
Filed: September 27, 1996
Our reference No.: 104385.140

Dear Ms. Fink,

In furtherance of our prosecution of the above named patent, please sign the enclosed Declaration in blue ink and return it to me as soon as possible.

A return envelope is provided for your convenience.

If you have any questions regarding your Declaration or the present proceedings in the U.S. Patent and Trademark Office, please feel free to contact me directly at 415-884-6709 or lbigornia@bmrn.com.

Sincerely,

Luisa Bigornia Ph.D., Esq.

LSB/rvc

EXHIBIT F

Rita Charles

From: Claire Bergeron [cbergeron@ibexpharma.com]
Sent: Thursday, August 07, 2003 12:18 PM
To: Rita Charles
Subject: RE: Former IBEX employees

Hi Rita,

Last one sent to me by Dominique directly:

Ms. Dominique Fink
4632 rue Chambord
Montreal, Quebec
H2J 3M7
Tel: 514-597-2113

Regards,

Claire Bergeron
IBEX Pharmaceuticals Inc.
5485 Pare
Montreal, QC H4P 1P7
tel: (514) 344-4004, fax: (514) 344-8827

-----Original Message-----

From: Rita Charles [mailto:RCharles@BMRN.com]
Sent: August 7, 2003 11:50 AM
To: Claire Bergeron
Subject: RE: Former IBEX employees

Claire,

Many thanks.
This is like being a detective.

Rita

-----Original Message-----

From: Claire Bergeron [mailto:cbergeron@ibexpharma.com]
Sent: Thursday, August 07, 2003 8:06 AM
To: Rita Charles
Subject: RE: Former IBEX employees

Hi Rita,

A couple more dating back a few years - I strongly suggest that you call before sending to ensure they are still there:

Ariane Hsia
c/o RIV LTD.
22 Wesllesley St. East

Toronto, Ontario
M4Y 1Y3
Tel: 416-967-9955

Dr. Clark Bennett (is in the process of moving)
Pfizer Pharmaceuticals
7000 Portage Road
Kalamazoo, MI 49001
Tel: 269-833-4000

Brigitte Groulx
c/o Biochem Pharma
Cancer Biology Dept.
275 Armand Frappier
Laval, QC H7V 4A7
Tel: 450-978-7903

Pamela Danagher
176 Longfellow Street
Thousand Oaks, CA 91360

Elizabeth Cauchon
Merck Frosst Canada
Biochemistry Dept.
16711 Trans Canada Hwy
Kirkland, QC
H9H 3L1

The only one missing now is Dominique Fink - we are trying to reach a friend of hers to see if we can locate her for you.

Claire Bergeron
IBEX Pharmaceuticals Inc.
5485 Pare
Montreal, QC H4P 1P7
tel: (514) 344-4004, fax: (514) 344-8827

-----Original Message-----

From: Rita Charles [mailto:RCharles@BMRN.com]
Sent: August 6, 2003 3:53 PM
To: Claire Bergeron
Subject: Former IBEX employees

Claire,
It was wonderful talking with you:
These are the inventors I am trying to track down:

D. Clark BENNETT
Elisabeth CAUCHON
Dominique FINK
Brigitte GROUX
Ariane HSIA
Pamela DANAGHER
Joseph ZIMMERMAN (thanks! We have him)

I really appreciate your help.

Thanks,
Rita

Rita Charles, J.D.
Intellectual Property Group
Biotechnology Specialist
BioMarin Pharmaceutical, Inc.
11 Pimentel Court
Novato, CA 94949
Direct Dial: 415-506-6721
Facsimile: 415-382-3511
E-mail: rcharles@bmrn.com

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Rita Charles

From: Luisa Bigornia
Sent: Friday, August 29, 2003 1:51 PM
To: Rita Charles
Subject: FW: Contact info for Hongsheng Su

FYI

-----Original Message-----

From: Lee, Deborah [mailto:Deborah.Lee@haledorr.com]
Sent: Friday, August 29, 2003 1:21 PM
To: Luisa Bigornia
Cc: Maebius, Maria
Subject: Contact info for Hongsheng Su

Per Maria Maebius, below is the contact information for the inventor, Hongsheng Su

(514) 336-4886 x631
hongshengsu@hotmail.com

Deborah Lee
Legal Secretary, Specialist
Hale and Dorr LLP
1455 Pennsylvania Avenue, N.W.
Washington, DC 20004
Tel: 202-942-8361
Fax: 202-942-8484
deborah.lee@haledorr.com

Hale and Dorr LLP

This email message and any attachments are confidential and may be privileged. If you are not the intended recipient, please notify Hale and Dorr LLP immediately -- by replying to this message or by sending an email to postmaster@haledorr.com -- and destroy all copies of this message and any attachments. Thank you.
For more information about Hale and Dorr LLP, please visit us at <http://www.haledorr.com>.

11/19/2003

Rita Charles

From: Claire Bergeron [cbergeron@ibexpharma.com]
Sent: Thursday, August 07, 2003 8:06 AM
To: Rita Charles
Subject: RE: Former IBEX employees

Hi Rita,

A couple more dating back a few years - I strongly suggest that you call before sending to ensure they are still there:

Ariane Hsia
c/o RIV LTD.
22 Wesllesley St. East
Toronto, Ontario
M4Y 1Y3
Tel: 416-967-9955

Dr. Clark Bennett (is in the process of moving)
Pfizer Pharmaceuticals
7000 Portage Road
Kalamazoo, MI 49001
Tel: 269-833-4000

Brigitte Groulx
c/o Biochem Pharma
Cancer Biology Dept.
275 Armand Frappier
Laval, QC H7V 4A7
Tel: 450-978-7903

Pamela Danagher
176 Longfellow Street
Thousand Oaks, CA 91360

Elizabeth Cauchon
Merck Frosst Canada
Biochemistry Dept.
16711 Trans Canada Hwy
Kirkland, QC
H9H 3L1

The only one missing now is Dominique Fink - we are trying to reach a friend of hers to see if we can locate her for you.

Claire Bergeron
IBEX Pharmaceuticals Inc.
5485 Pare
Montreal, QC H4P 1P7
tel: (514) 344-4004, fax: (514) 344-8827

-----Original Message-----

From: Rita Charles [mailto:RCharles@BMRN.com]

Sent: August 6, 2003 3:53 PM
To: Claire Bergeron
Subject: Former IBEX employees

Claire,
It was wonderful talking with you:
These are the inventors I am trying to track down:

D. Clark BENNETT
Elisabeth CAUCHON
Dominique FINK
Brigitte GROUX
Ariane HSIA
Pamela DANAGHER
Joseph ZIMMERMAN (thanks! We have him)

I really appreciate your help.

Thanks,
Rita

Rita Charles, J.D.
Intellectual Property Group
Biotechnology Specialist
BioMarin Pharmaceutical, Inc.
11 Pimentel Court
Novato, CA 94949
Direct Dial: 415-506-6721
Facsimile: 415-382-3511
E-mail: rcharles@bmrn.com

The material in this transmission may contain confidential information intended only for the addressee. If you are not the addressee, or if you have received this e-mail in error, you may not use, copy, disseminate or distribute it; do not open any attachments, delete it immediately from your system and notify BioMarin Pharmaceutical, Inc. by telephone (415) 506-6721. Thank you.

Rita Charles

From: Claire Bergeron [cbergeron@ibexpharma.com]
Sent: Wednesday, August 06, 2003 1:25 PM
To: Rita Charles
Subject: RE: Former IBEX employees

Dear Rita,

These were good in 2001 but I cannot guarantee that they are still valid.

I will look for the others but cannot guarantee success at this point.
I will try to get back to you by the end of the week.

Dr. Joseph Zimmermann
Zimmermann Productions
507 Blvd. Decarie
Ville St. Laurent, P.Q.
H4L 3L1

Pamela Danagher
7910 La Jolla Shores Drive
La Jolla, CA. 92037
U.S.A.

Elizabeth Cauchon
14750 Aumais
St. Genvieve, P.Q.
H9H 4Y3

Claire Bergeron
IBEX Pharmaceuticals Inc.
5485 Pare
Montreal, QC H4P 1P7
tel: (514) 344-4004, fax: (514) 344-8827

-----Original Message-----

From: Rita Charles [mailto:RCharles@BMRN.com]
Sent: August 6, 2003 3:53 PM
To: Claire Bergeron
Subject: Former IBEX employees

Claire,
It was wonderful talking with you:
These are the inventors I am trying to track down:

D. Clark BENNETT
Elisabeth CAUCHON
Dominique FINK
Brigitte GROUX
Ariane HSIA
Pamela DANAGHER

Joseph ZIMMERMAN (thanks! We have him)

I really appreciate your help.

Thanks,
Rita

Rita Charles, J.D.
Intellectual Property Group
Biotechnology Specialist
BioMarin Pharmaceutical, Inc.
11 Pimentel Court
Novato, CA 94949
Direct Dial: 415-506-6721
Facsimile: 415-382-3511
E-mail: rcharles@bmrn.com

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EXHIBIT G

November 6, 2003

Maria L. Mabijs, Esq.
Hale & Dorr LLP
The Williard Office Building
1455 Pennsylvania Avenue N.W.
Washington D.C. 20004-1008

Re: U.S. Patent Application No. 08/722,659
Title: Use of Heparinase to Decrease Inflammatory
Response
Inventors: Bennett *et al.*
Filed: September 27, 1996
Your reference No.: 104385.140

Dear Maria:

In reference to your communication related to the above referenced
application and declarations:

We have obtained the signature of Elizabeth Cauchon, which is enclosed and
copies of the returned mail envelopes marked undeliverable for the other
three inventors.

The last known address for these inventors is as follows:

FINK, Dominique
4632 rue Chambord
Montreal, Quebec
H2J 3M7
Tel: 514-597-2113

Ariane Hsia
c/o RIV LTD.
22 Wesllesley St. East
Toronto, Ontario
M4Y 1Y3
Tel: 416-967-9955

GROUX, Brigitte

- 2 -

November 19, 2003

c/o Biochem Pharma
Cancer Biology Dept.
275 Armand Frappier

If there are any questions regarding this matter, please feel free to call me directly.

Sincerely,

Luisa Bigornia, Ph.D., Esq.

LSB/rvc

LSB/rvc